

RFP 150-09-101
ARRA Program Support Services
Pre-Bid Conference Questions and Answers

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DVBE

1. Is there a listing in the RFP for DVBEs in the state?

Bidders may search for certified small businesses and DVBEs by specific criteria, search for the status of a specific firm's certification, and view or download complete certified small business and DVBE lists at the following website:

<http://www.pd.dgs.ca.gov/smbus/default.htm>

2. Does the DVBE need to be California based?

Effective 1/1/04, to be eligible for DVBE certification, the disabled veteran must be domiciled in California. The following website contains all of the Eligibility Requirements for DVBE Certification:

<http://www.pd.dgs.ca.gov/smbus/dvbecert.htm>

3. Page 25 of 30 - Being "non-responsive to California Disabled Veteran Business Enterprise participation requirements" is Grounds To Reject a Proposal. Question: What are the specific criteria for a bidder to be considered responsive or non-responsive to California Disabled Veteran Business Enterprise participation requirements?

Requirements can be found on page 24 of the solicitation and attachments 3.1 and 3.2. Bidders must obtain 3% or more participation to be considered responsive to participation requirements.

Minimum and Desirable Qualifications and Scoring Criteria

4. Many of the minimum and desirable qualifications state the "Bidding organization" must meet a defined qualification. Does "bidding organization" mean only the prime contractor, or does it mean both the prime contractor and all subcontractors?

This has been addressed and clarified in Addendum #2.

5. Will the Energy Commission consider the combined experience and qualifications of the entire proposed project team (prime and subcontractors) when assessing and scoring the minimum and desirable qualifications of the "bidding organization"?

This has been addressed and clarified in Addendum #2.

6. One of the minimum requirements states: "Bidding organization must have 10 years of experience providing consultative, accounting, auditing and organizational development advisory services to public or private sector clients." Our question: "We assume that a company that has been in business for over eight (8) years can meet the 10-year requirement by additionally counting the 20+ years of experience of the founder prior to starting the company. Is that correct?"

The minimum and desirable qualifications have been clarified in Addendum #2. In response to this question, the Prime Contractor must have 10 years experience providing consultative, accounting, auditing and organizational development services to public or private sector clients. If you company has only been in business for 8 years, it does not meet this minimum qualification. The founder's previous experience would not satisfy this requirement.

7. Do the years of experience requirements included in the qualifications section pertain to individuals within an organization or the organization itself?

This has been addressed and clarified in Addendum #2.

8. Does the experience and qualifications demonstrated in the proposal for a subcontractor count towards the length (in years) and practice areas (e.g., consultative, auditing, organizational development) for qualifications required by the Energy Commission? For example, minimum qualification #2 states:

Bidding organization must have 10 years of experience providing consultative, accounting, auditing and organizational development advisory services to public or private sector clients. If the prime contractor demonstrates seven (7) years of experience in all but “consultative”, and a subcontractor demonstrates nine years nine (9) years of “consultative” experience, would the Energy Commission consider that the “bidding organization” exceeds the 10 years required by minimum qualification #2?

Addendum #2 now states “Prime Contractor must have 10 years of combined experience providing consultative, accounting, auditing and organizational development advisory services to public or private sector clients.”

9. Does the \$20 million minimum revenue apply to the project team, or just the prime contractor?

The prime contractor shall be required to meet the revenue requirement. Because of the magnitude of the projects that need to be reviewed, we want to ensure the applicant has the experience to take on this critical work for the state. We strongly encourage small businesses to join prime contractor/bidder's as a team member. It will be advantageous for larger firms to partner with small businesses to strengthen their overall bid. The minimum and desirable qualifications of the prime and the team have been modified. Please see pages 15 and 16 in Addendum #2 to this solicitation.

10. Second “Minimum Qualification”: This qualification states (as of Addendum #2) “Prime Contractor must have 10 years of combined experience providing consultative, accounting, auditing and organizational development advisory services to public or private sector clients.” Will the Energy Commission consider experience for State of California agencies, departments, boards, and commissions as preferable to other public or private sector clients, everything else held equal?

This minimum qualification is for 10 years of experience providing consultative, accounting, auditing and organizational development advisory services to public or private sector clients. No additional preference is provided for government experience versus private sector experience. Clarification has been added to the Minimum and Desirable Qualifications sections in Addendum #2.

- 11. Fourth “Minimum Qualification”:** *This qualification states (as of Addendum #2) “Prime Contractor’s lead consultant must have at least 6 years combined experience providing consulting, accounting, auditing or organizational development advice to public or private sector clients”. Can the lead consultant be a member of the project team that is not the contractor’s project director, project manager, or lead auditor/accountant? Can the lead consultant be a member of one of the subcontractor firms?*

Clarification has been added to this section in Addendum #2 that the Prime Contractor’s lead consultant on the project must have at least 6 years experience providing consulting, accounting, auditing or organizational development advice to public or private sector clients. The lead consultant does not need to be a project director, project manager or lead auditor/accountant. The lead consultant must be a member of the prime contractor’s organization.

- 12. Page 18 of 30 – Desirable Qualifications is one of the specific evaluation criteria.** *There is no specific reference to where desirable qualifications are to be included in the response format. Question: Where in the RFP response should the bidder’s description of desirable qualifications be placed?*

It is expected that this information shall be found in the Team Resumes and the bidder’s approach to the scope of work.

- 13. First “Desirable Qualification”:** *This qualification states “Prime Contractor has working knowledge of California state and/or federal energy policy. Please describe in 500 words or less.” Does this mean describe the organization’s past experience with energy policy, or describe California’s and/or federal energy policy?*

This Desirable Qualification requests a description of the applicants past experience with California and/or federal energy policy. This description will help the Energy Commission better understand the knowledge and experience of state and federal energy policy the applicant brings to the project.

- 14. Does the 500-word limit on the organization’s energy policy experience apply to exhibits that identify specific projects completed by the contractor, or does it apply only to a write-up by the contractor that summarizes their overall experience. The word limitation could prevent the contractor from identifying a number of relevant contractor projects in the proposal. Is this the intended outcome of this desirable qualification caveat?**

This Desirable Qualification requests a description of the applicants past experience with California and/or federal energy policy. This description will help the Energy Commission better understand the knowledge and experience of state and federal energy policy the applicant brings to the project.

- 15. Page 17, third criterion, fourth bullet:** *The criterion states “[t]he Bidder has built in the flexibility to accommodate potentially short notification times and tight deadlines.” Will the Energy Commission consider the proportion of a contractor’s project team that is already located in Sacramento area offices in determining whether the contractor “Exceeds the minimum requirements”?*

While helpful, the contractor’s proximity to Sacramento is not a scoring criterion for the solicitation.

16. Page 14 of 30 – under Rankings and Awards, the RFP states that “those proposals that pass the Technical Evaluation will then have all applicable preferences applied.” The table labeled “Technical Evaluation Criteria” on pages 17 of 30 and 18 of 30 includes technical, cost and preferences in the Technical Evaluation. Question: Does “Technical Evaluation” in the statement above refer to the “Total Technical Score” (700 total possible score) and “Total Cost Score” (300 total possible score) on to which preferences are applied?

This has been addressed in Addendum #2. Preferences are applied on the total of Technical and Cost scores.

17. Page 18, Total Score: If all preference points are earned, would the total possible score be 1,270, not 1,000 as shown?

The total technical score possible is 1000 points. The total possible score that a bidder may be given could be 1270 points if a bidder obtained the total possible technical score and all preferences.

Other Solicitation Requirements

18. No requirements are specified in the RFP regarding signature or notarizations. Question: What requirements are there regarding signatures of proposals and notarizations?

The Energy Commission does not require the signatures be notarized. However, bidders are required to give the full legal name and title of authorized person who is signing all the forms.

19. Is there any limit on the length of the response?

Limits on different sections are identified by section. If a limit is not identified, then a limit does not exist.

20. It appears that the TACPA, EZA and LAMBRA preferences apply only to California based businesses according to the paragraphs on page 19 of 30. Question: Is it true that TACPA, EZA and LAMBRA preferences apply only to California based businesses?

Eligibility requirements for each of these preferences are located in Attachments 7, 8 and 9. For all three, it is a requirement that the firm be California-based.

21. Is it correct to assume that if the contractor is not claiming any of the following preferences, the contractor does not need to submit the form required for the preferences listed below?

Target area contract preference

Local area military base recovery area act preference

Enterprise zone act preference?

This is correct.

22. Does any part of Attachment 6 need to be completed and included as part of our proposal response?

No. This is informational only.

23. Are Attachment 10 (Executive Summary) and Attachment 15 (ARRA Solicitation Financial Management Information Form) meant to be completed and included in the proposal? They are not referenced anywhere in the RFP, including Section IV (Proposal Format, Required Documents, and Delivery).

This has been addressed in Addendum #2.

24. Page 4 of 30 – Re: National Environmental Policy Act (NEPA), reference is made to attachment 11 which selected bidders must complete. Attachment 11 refers to attachment 23 (Environmental Questionnaire) which successful bidders must also complete. No attachment 23 is included in the RFP. Question: Will attachment 23 be provided? If this is required to be completed by bidders, is it required to be submitted with the proposal and, if so, where in the proposal?

The reference should be Attachment 20. This has been corrected in Addendum #2.

25. Page 4 of 30 - Re: National Environmental Policy Act (NEPA) Question: Is attachment 11, the SEP NEPA Compliance/Certification Form intended to be used by bidders for this RFP, subrecipients for funding or both? If this is required to be completed by bidders, is it required to be submitted with the proposal and, if so, where in the proposal?

Addendum #2 now identifies this as a required Administrative document.

26. Page 5 of 30 – Re: California Environment Quality Act, The RFP states that attachment 16 - CEQA Compliance Form is required by successful bidders. It seems that attachment 16 is completed mostly by the public agency. Question: What, if any, requirements are there regarding CEQA compliance for vendors responding to this RFP? If this information is required to be completed by bidders, is it required to be submitted with the proposal and, if so, where in the proposal?

The CEQA Compliance Form is required to be completed by the successful bidder. Due to the type of work outlined in the scope of work, it is unlikely that the work qualifies as a project subject to CEQA.

27. Page 4 of 30 - Re: Single Audit Act, Question: Does the Single Audit Act apply to bidders for this RFP, subrecipients for funding or both? If bidders are under this act, are the 9 items under "Summary of Report Contents" on attachment 19 required prior to submitting our bid? If this information is required to be completed by bidders, is it required to be submitted with the proposal and, if so, where in the proposal?

Bidders are required to be in compliance with the Single Audit Act. Accordingly, before submitting a proposal, bidders shall ensure that they are in compliance with the Single Audit Act and cleared with the State Controller's Office. The Energy Commission will verify your status at the time of application with the State Controller's Office (SCO) to determine your eligibility. The documents required by SCO to comply with the Single Audit Act are not a requirement of this solicitation.

- 28. The Energy Commission provides an RFP Attachment 10, Executive Summary Form, on its BidSync site, but only identifies this attachment in the RFP table of contents. Is the contractor required to complete and submit this attachment in its proposal?**

This has been addressed in Addendum #2 on page 21 of the solicitation.

Federal Requirements

- 29. Page 8 of 30 – Question: Is the term subrecipient as used in this RFP the same as applicant for the different ARRA funded programs?**

In general, an entity that applies for ARRA funds directly from the federal government is considered an applicant. If awarded ARRA funds from the Energy Commission under this RFP, the entity is considered a vendor. Each of the other ARRA-funded solicitations from the Energy Commission will specify whether the successful bidder will be deemed a subrecipient or vendor.

- 30. Page 10 of 30 – Task 1 states that “The Contractor shall conduct an organizational readiness and diagnostic assessment of the current conditions of the Energy Commission’s controls and procedures to ensure they meet all ARRA requirements”. Question: Can a checklist of ARRA requirements and state and federal requirements be provided to bidders for verification?**

The Energy Commission expects qualified applicants to have familiarity with ARRA requirements and therefore a checklist will not be provided.

- 31. Does the California Energy Commission (CEC) currently have internal staff and process for monitoring for Davis-Bacon?**

Energy Commission staff that will be managing ARRA funded project will provide some review of Davis-Bacon compliance but will generally rely on the contractor selected for this solicitation to more fully review for compliance with Davis-Bacon and other federal requirements.

- 32. Does the CEC have internal staff for processing NEPA clearances?**

Energy Commission staff that will be managing ARRA funded projects will provide some review of NEPA requirements and compliance but note that the U.S. Department of Energy must review those projects that are not categorically excluded prior to approving the funding award.

- 33. Does the CEC have an internal Inspector General who monitors for fraud, waste and abuse?**

The Energy Commission does not have an internal Inspector General. The purpose of this solicitation is to obtain the expertise and resources to assist the Energy Commission in deterring and detecting fraud, waste and abuse.

34. We recognize that there are ARRA 1512 reporting requirements associated with this contract because ARRA funds are being utilized. Our assumption is that the selected vendor will be a CEC “vendor”, not a CEC “Sub-recipient” for reporting purposes, because the selected vendor will provide support to CEC in implementing and administering the ARRA program (vs. conducting a construction, retrofit or energy improvement project utilizing ARRA funds). Please confirm our assumption.

We agree that the contractor selected for this effort will be a vendor and not a subrecipient. This was addressed in Addendum #2.

35. On page 4 of 30, compliance with state and federal requirements are mentioned. Are there specific things that bidders need to comply with around these programs?

These are requirements from ARRA and the U.S. Department of Energy that are passed down to our contractors. The winning bidder will need to be fully apprised of all federal flow down provisions to effectively perform the tasks described in the scope of work. In terms of those federal provisions that directly impact this contract, the primary federal requirement is compliance with the Davis-Bacon Act. NEPA and Historic Preservation Act provisions are unlikely to impact the consultant services required by this solicitation.

Terms and Conditions

36. The scope of work includes significant areas where processes, data and reporting must be designed/improved and implemented and managed. These activities require assistance in development and oversight of reporting processes similar to Project Management Oversight and technology implementation projects. The terms and conditions chosen for this project do not include standard terms for Limitation of Liability and indemnities that are contained in the State’s standard technology contract. The absence of these terms, combined with this scope of work, will substantially reduce the number of qualified bidders that can provide a proposal. Will the State consider adding the Limitation of Liability and Indemnity clauses from the technology contract into this RFP? Will the CEC consider evoking PCC 6611 (attached)

The Energy Commission recognizes that some select terms and conditions inherent in GTC 307 presents challenges for nearly all prospective bidders. We are in the process of presenting alternative language that more closely aligns with the language accepted by the State in GSPS401IT. At the present time this agreement is categorized as a Non IT Consultant Services Agreement. In accordance with state procurement practices for Non IT Consultant Service Agreements, GTC 307, General Terms and Conditions are to apply. The Energy Commission will notify the vendor community of the results of our discussions with the Department of General Services to determine if any modifications can be made to the indemnification and limitations of liability clause currently found in GTC 307. The Energy Commission will release an addendum if any changes are made to this requirement. Absent an addendum that makes modifications to this requirement, applicants are advised to accept the terms and conditions included in the Solicitation 150-09-101.

37. Will the CEC allow for the negotiation of contract terms with the selected contractor prior to contract award?

The Energy Commission is consulting with DGS regarding the ability to negotiate some the Terms and Conditions. The Terms and Conditions for the resulting agreement are located in Attachment 6. Any changes to these terms and conditions will be identified in an addendum to this solicitation.

Scope of Work

38. I am interested in the support the Commission is soliciting. We have capabilities to assist organizations in preparing and delivering checks to sizable populations, in a quick turnaround time frame. Along with the check work, we also handle inquiry, return mail and any possible escheatment activities. I did not see a specific requirement for these services as a component of the RFP, but expect the Commission may have a disbursement services requirement for this project. Are these services being acquired in a separate solicitation?

The services you have identified will not be required as part of this RFP. A separate RFP will be issued for the Energy Star Appliance Rebate program that may use these types of services. Please sign up for the Energy Commission's list server for the Energy Star Appliance Rebate program to receive further information.

39. During the Bidders' Conference, the Commission stated that it was interested in approaches to segregating the duties of the project team members to provide for independence of the members on the audit and compliance related tasks in the Request for Proposals. To provide for independence from the team that is reviewing and recommending process changes and designing new controls, would the Commission consider removing the audit related tasks from this Request for Proposal and enter into a separate prime contract for these audit-related services?

The Energy Commission is not considering segregating tasks 1 and 2 in to two separate contracts. A prime contractor or a team including a prime contractor and subcontractors can maintain objectivity and independence between tasks 1 and 2 by recommending internal control processes and procedures to Energy Commission management and then allowing the Energy Commission to implement those procedures as they see fit. The contractor or contractor team can then audit ARRA funded projects to those controls approved and implemented by Energy Commission management.

40. Is Task 2 the task you are looking for input from the proposers on (with regards to how to segregate)?

See answer to Question 39.

41. Please clarify as to whether the Commission expects the audits findings resulting from Task 2 to include an audit opinion, or general findings and recommendations.

We expect that audits and reviews of ARRA funded entities will result in general findings and recommendations.

42. Do the auditing requirements described in the RFP include rendering an opinion or attestation? (e.g. Yellow Book audit)

We envision project compliance reviews that may be performed via desk audit or on site. These audits/reviews will focus on compliance with ARRA funding requirements, which includes but is not limited to reviewing source documentation and verifying that project expenditures are adequately supported and allowable. We expect the audits and reviews of ARRA funded entities will result in general findings and recommendations and not rendering an opinion.

43. As far as the auditing requirements, will we be rendering an opinion, or will the results be reported internally only?

The Energy Commission takes the transparency and accountability requirements of ARRA very seriously, and as a result expects the information to become public, once we have performed our internal review.

44. What is the CCM headcount that would be considered to be part of the controls evaluation in Task 2 of the scope of services?

We anticipate one or two Commission Contract Managers overseeing this work.

45. Page 9 of 30 – Goals and Objective; Question: Should the first sentence read “The Energy Commission seeks services that include but are not limited to:” ?

Yes. This has been corrected in Addendum #2.

46. Page 8 of 30 – Various critical deadlines are mentioned for the programs that have been awarded DOE funds. Question: Are the Deliverable Due Dates for Task Number 2.0 deliverables dependent on any of the critical deadlines for these programs? Are there other relevant dates that bidders need to be aware of in order to accurately estimate deliverable due dates?

There are various due dates to encumber and draw down funds for each ARRA grant award. While critical to program implementation and delivery, these deadlines should not materially impact bidders applications. Task 2 work and deliverables will occur over the duration of the contract term and are subject to additional specification in the Task deliverable discussion and documentation.

47. What is the expected term of the grants to be issued, that is what period of time do you think that grant funding will be available from initiation to completion?

The Energy Commission will be awarding ARRA funds through contracts, grants and loans. Most of these agreements will be two years or less in duration due to the term dates of the federal grants.

48. Does the Commission anticipate that the majority of the work will be performed in Sacramento?

Task 1 will primarily be performed in Sacramento. Task 2 will involve site visits that will cover various areas throughout California. Specific locations have yet to be determined as most of the projects have not been selected. Task 3 will involve communication efforts and likely be more focused in the Sacramento area but could involve limited travel to other parts of California.

49. Is the Commission considering the possibility of making the award to different bidders based on task or some other criteria? Would the Commission accept a response aimed at specific tasks rather than the entire project?

The response to this request for proposals must address all of the tasks in the entire project.

50. Is the Commission considering making the award task by task over time or will the contract be awarded all at one time to a single bidder?

The response to this request for proposals must address all of the tasks in the entire project and will be awarded all at one time.

51. Is the contractor expected to provide the Energy Commission advice on how it could better use and distribute ARRA funds?

This is not an expectation or requirement of the contract. However, the contractor may in the course of the review identify areas where ARRA funds are more effective based upon performance metrics developed and monitored.

52. Page 10, Task 1: The Energy Commission identifies seven areas to be considered, but appears to list six: “reporting; resource capacity and project management; financial; program solicitation, information technology, and systems adequacy.” Is there a seventh?

Addendum #3 shall strike the word seven.

53. Task 2 requires the contractor to implement recommendations developed during the conduct of Task 1. Task 1 recommendations could include development of substantive information technology solutions that otherwise would require the Energy Commission to obtain formal control agency approval (via feasibility study process). How will the Energy Commission address this potential formal review and approval cycle?

As noted at the Pre-Bidders Conference, this solicitation does not anticipate any software development or development of automated systems. The selected contractor will review existing systems, processes and procedures in place and make recommendations to the Energy Commission on options to improve and strengthen controls and processes. A byproduct of this analysis and review could be recommendations for further development of an existing or already being developed automated system. Any system changes/enhancements subject to the state information technology review and approval process are outside the scope of this contract.

54. During the meeting audio/video the point was made that this proposal focuses on financial aspects. Then later the comment was made that the proposal is looking for the proposer to provide risk assessment evaluations of not only the financial aspects but other risks including NEPA/CEQA, compliance with various state and federal requirements and technical risks. It seems like quite a bit of technical expertise will be needed to evaluate these non-financial risks. I believe it was also mentioned that this technical expertise would be a good place to have small businesses involved. As a micro business, I would like to help provide this expertise. Am I understanding this correctly?

The primary focus of this contract involves financial accountability and the prevention and detection of fraud, waste and abuse of ARRA funds. Additionally, financial reviews may also look at compliance with federal requirements such as Davis-Bacon, and Buy American. We do not believe extensive energy-related technical expertise is needed to perform these types of functions. However, you may be interested in providing expertise under the Energy Commission's Monitoring, Verification and Evaluation Reporting RFQ solicitation.

55. Is this RFP for services only or is the State seeking services and technology (i.e. fraud analysis tools, reporting software, etc.)?

The Scope of Work for this Solicitation (located on pages 8-13) does not identify any work for developing technology.

56. When you perform the risk analysis, are you looking for a comprehensive analysis, or will it be more focused on operational risks or compliance with federal regulations?

The risk analysis is specific to the appropriate expenditure of ARRA funds. As such, it may include operational and federal compliance analyses.

57. In the RFP it mentions that the work as a part of this solicitation will be the foundation for an enterprise wide risk-assessment; however, is your focus more on the ARRA programs?

Yes. The risk assessment is focused solely on ARRA programs, though we anticipate that alternatives resulting from diagnostic assessment will help the Energy Commission identify enterprise wide processes and procedures that could be updated and/or improved.

58. With regards to the period of performance, can you elaborate on your expectations for the time (by task)?

Task 1 activities will need to happen very quickly. We want recommendations for refined processes and procedures as soon as possible. We are looking to do risk assessments on ARRA-funded projects, many of which will be starting in the spring. We are looking for the contractor to develop a risk evaluation system so that higher risk projects can be visited early and often. Task 2 will be ongoing for the life of the projects and the agreement.

59. Are you planning to implement any software to administer the policies you will be establishing as part of this contract?

None other than what we currently have or are developing. However, we will consider the results of the contractor's diagnostic assessment and any recommendations the study may contain.

60. You mentioned the development of the review procedures and the audit of the recipients; can you clarify what you were referencing?

There are four tasks within the contract. The first task is to do an organizational review of internal control processes and procedures, particularly as it relates to ARRA with recommendations to the Energy Commission on alternatives. The intent is that this diagnostic assessment would result in recommendations or alternatives to assist the Energy Commission in improving its processes and procedures.

61. Are the four tasks mentioned in your PowerPoint the same as identified in the solicitation?

Yes, some paraphrasing may have occurred for the presentation, but there are no changes to the RFP tasks. Any modifications will be documented in a posted addendum to the solicitation.

62. On page 8, Section II of the RFP, refers to the development of performance measures, does the Commission currently utilize any performance measures? If so, what measures are tracked and what system is used to maintain the data?

Some performance measures are used such as project progress reports that capture project development, milestones reached, expenditures to date, and planned activities but the Energy Commission is looking for input on developing measures and documenting a system/process for effectively measuring performance of ARRA funded agreements. There is no formal performance measurement structure upon which to build.

63. How many Commission staff members are expected to be trained on ARRA financial and audit processes and procedures? What are the experience levels of the staff that will require the training?

Some training will be provided to Energy Commission project managers but the bulk of the financial review and audit effort will be performed by the contractor. Existing Energy Commission staff members have limited experience with financial audit processes and procedures. The number of project managers requiring financial review training is not known at this time but could be as much as 25 staff or more.

64. How many ARRA fund recipients are expected to be trained on ARRA financial and audit processes and procedures? How many training events are expected to be conducted?

This contract is intended to provide the expertise and resources to review, monitor and audit financial expenditures of those entities receiving and expending ARRA funds. Funding recipients will not be trained on financial audit processes and procedures.

65. What is the format for the training? For instance, is it all going to be performed in person or will some of the training be performed by webinar, satellite telephone, etc.?

As described above, some Energy Commission staff training on financial auditing and processes may be needed. This training would occur at the Energy Commission's headquarters in Sacramento and not performed remotely.

66. What types of reporting services are contemplated by this solicitation? For instance, does the reporting process include data gathering, data assembly and submission of data?

There will be reporting requirements for all tasks identified in this solicitation. The contractor team will be required to provide: periodic written status reports as required by the Energy Commission contract manager; written processes and procedures to strengthen internal controls; written audit procedures and plans for conducting financial reviews of ARRA funding recipients; documented analyses of risk assessment determinations; documented findings of ARRA funded recipient financial reviews; and other deliverables as required by the Energy Commission contract manager and as agreed to under the respective task deliverables.

67. What types of communication services are contemplated by this solicitation?

Some examples of communication services are assisting with the Energy Commission's documentation and audit findings and reporting to the Energy Commission and the Inspector General. Assisting the Energy Commission in responding to federal, state and public inquiries of findings or issues that may arise during the course of work funded under this solicitation.

Budget/ Cost Forms

68. Attachment 18, Question: are the worksheets displayed in the .pdf document version of the RFP available as Excel spreadsheets with the formulae?

The Excel spreadsheet is available on Bidsync as well as the Energy Commission website. Please visit:

http://www.energy.ca.gov/contracts/RFP_150-09-101

69. Will cost breakdown information remain confidential?

No, all information will be made public. All proposal information will be public after the posting of the Notice of Proposed Award. See also pages 24 and 26 of the RFP.

70. You ask for a rate build up in your cost sheets. If a firm doesn't have an approved federal government rate for cost build up, is it okay to include all-inclusive rates and not have a cost build up?

Public contract code section 10371(c) states that the department shall "require each selected contractor to provide a detailed analysis of the costs of performing the contract". The Department of General Services, Office of Legal Services has further defined "detailed analysis" in the State Contracting Manual section 7.30(A) as:

1. Personal service costs showing individual or position rates per unit of time
2. Fringe benefits costs citing actual benefits or a percentage of personal services costs
3. Operating expenses including rent and supplies
4. Equipment costs specifying equipment to be bought and the disposition of equipment at the end of the contract
5. Travel expenses and per diem rates set at the rate specified by the Department of Personnel Administration for similar employees or verification supplied that such rates are not available to the contractor
6. Overhead
7. Other specific breakdown required

Bidders may identify a ceiling rate. The resulting contract will be written with that identified rate. The contractor shall only be able to invoice for their actual expenditures up to the ceiling rate provided in the agreement. A federally approved overhead rate is acceptable but not a requirement.

"Cost build-up" is a requirement of Consultant Services contracts. The Energy Commission does not have the authority to modify this requirement. Should the Energy Commission receive such authority in the future, an addendum will be posted describing such a change. Bidders submitting proposals with all-inclusive rates shall have their proposals rejected because their proposal does not meet the proposal format requirements.

71. Addendum #1 shows Exhibit B, Attachment B-1 deleted from the list in the document you provided. However, it looks like Exhibit B, Attachment B-3 is still applicable. This may be an issue for larger firms to derive these percentages for fringe benefits. As such, if this information is not complete, will the proposal be rejected if (1) the percentages are based on estimates and (2) if the attachment for B-3 is left blank?

Attachment B-1 was not removed per the addendum. The addendum addressed that the attachment numbers were incorrect. The Contractor's Unloaded Rates and Personnel Hours are required in Attachment B-2.

The bidder may identify estimates or ceiling rates in their proposal. However, the proposal rates shall be the rates in the final contract. The resulting contractor shall only be allowed to invoice for actual expenditures up to the rates identified in the contract. Rates identified in the proposal shall not be altered between the proposal and the final contract.

If Attachment B-3 is left blank, the proposal will be rejected for failure to comply with the RFP format requirements.

72. Is there a formal regulation or policy, either federal or state, that the bidding organization must comply with in order to complete the required cost exhibits for this proposal?

The cost forms have been prepared to meet CA state requirements. Please also see the answer to question 73 below.

73. Must the bidding organization comply with Federal Acquisition Regulation (FAR) Part 31, Contract Cost Principles and Procedures, in order to complete the required cost exhibits for this proposal?

The Budget documents state that contractors generally should calculate their indirect rates for Energy Commission agreements consistent with their normal practices, as long as they use an appropriate direct cost base, the costs are allowable indirect costs per FAR 31.2 for commercial organizations or OMB circulars for other organizations, and they treat their costs consistently as either direct or indirect. This information is provided as a guide for bidders but this is not a requirement. Attachment 6, page 4, Allowable Costs states that allowable costs shall be determined in accordance with the provisions incorporated by reference in Exhibit E of this Agreement. These references are the Federal Guidelines.

74. Exhibit B, Attachment B-1, since total travel costs cannot be reasonably estimated at this time, can travel costs be excluded from the schedule?

The pre-approved travel list was removed in Addendum #1. Bidders shall allocate \$300,000 for travel expenses. Should this amount need to be adjusted during the life of the agreement, the Energy Commission will work with the contractor to document the change in accordance with the Budget Reallocation terms of Exhibit B.

75. Is the information that is contained on Exhibit B, Attachment B-1 summary information from other Attachments such as B-2 through B-7? If so, can an example be provided to better understand the relationship between the Attachments?

Bidders are to complete the yellow cells for this attachment. The blue cells populate from attachments B-2 through B-7. For instance, Prime Contractor's Direct Labor populates from the total on Attachment B-2.

76. Exhibit B, Attachment B-2, includes the terminology "Unloaded Personnel Direct Hourly Rates", however, the Workbook Instructions on page 173 of the RFP indicates that the rates to be provided on Attachment B-2 are "ceiling rates". Please clarify and define the terminology used.

Bidders shall document the ceiling rate for unloaded personnel direct hourly rates meaning the most that a particular individual would make. The contractor awarded this agreement shall invoice for actual expenditures up to the ceiling rate listed in the proposal. Contractors cannot exceed the maximum or ceiling hourly rates when invoicing the Energy Commission for expenses incurred under this contract.

77. Attachment 18, Exhibit B, Attachment B-2 Question: What is the definition of “Ceiling Rates” and “Actual Direct Labor Rates” and what is the difference between them for purposes of Exhibit B, Attachment B-2.

Bidders are to identify the highest unloaded hourly rate for each personnel or classification. This is the “ceiling rate”. The resulting contractor shall only be allowed to invoice for actual rates *up to* the ceiling rate identified in the proposal.

78. Attachment 18, Exhibit B, Attachment B-3 appears to be informational only and does not tie into Exhibit B, Attachment B-1, Budget Detail summary. Question: Please confirm this and the purpose of the information on Attachment B-3.

Attachment B-3 is required information but it does not populate on the summary page. As a CA state entity, we are required to get the unit cost for Fringe Benefits, Overhead, G&A, and Profit.

79. What would be a rough estimate of the expected percentage of work breakdown between financial auditing, policy and procedure review, and implementation of fraud and waste protections, and contract management?

The Budget and Schedule section on page 22 of the solicitation identifies a breakdown of funding by task. This is the best estimate of work breakdown at this time.

80. Does the Energy Commission consider the contract to be a cost plus contract?

The contractor will be held to the rates bid and will be reimbursed for actual expenses up to the contract maximum. Contractor cannot bill for any items not identified in the contract budget. As with all state contracts, the contractor is subject to audit to verify that the rates charged are actual rates and in conformance with the contract's terms and conditions.

81. With regards to the cost attachment, how will you be evaluating this? (For example, will it be evaluated as a rate per hour?)

Bidders are required to provide unloaded hourly rates. Page 18 of the RFP details the scoring criteria for costs.

82. Page 22 of the RFP identifies required contents of Volume 2, Section 2, Cost Bid. The Energy Commission also provides an Excel file that contains “attachments” that must be completed by the bidder. The two sources do not appear to align (e.g., page 22 does not mention all of the required forms contained the Excel file).

This has been identified and corrected as part of Addendum #1.

83. Is it sufficient to assume that each of the attachments in the Excel file must be completed and submitted by the contractor in its proposal, in the order provided for by the Excel file (plus any additional exhibits required if there are two or more subcontractors)?

All attachments in the Excel file must be included in the bidder's proposal or the proposal will be rejected for failure to comply with the proposal format.

Technical Expertise

84. Will energy technical knowledge be required for assessment at any point in this process?

This may be helpful; however, we expect that most of the energy expertise will come from the Energy Commission's Monitoring, Verification and Evaluation Reporting RFQ solicitation. This RFP will focus more on the financial expenditures of ARRA funding recipients.

Miscellaneous

85. Please confirm that the RFP number is 150-09-101. A different number appears in numerous places in the integrated PDF, including the RFP fact sheet cover, the PDF header, and the Q&A responses.

Bidsync has the RFP listed as 150-09-010 instead of the appropriate 150-09-101. In order to correct this on Bidsync, we would need to re-post the solicitation. Doing so would disconnect the solicitation from the Q&As as well as the advertisements. The correct number is 150-09-101 and this appears in the main document as well as the footer for all attachments. However, this shall continue to be identified as 150-09-010 on Bidsync.

86. As a certified small and woman-owned business, we may pursue subcontracting opportunities with larger firms. Will there be a list of other companies who have signified interest to bid?

A list of pre-bid attendees was posted with Addendum #1.

87. Is there a list of the companies that want to be primes? Can you provide such a list along with further encouragement to involve small and micro businesses?

A list of pre-bid attendees was posted with Addendum #1. The Energy Commission did not request bidders to identify whether they wanted to be prime contractors or sub-contractors so this information is not available.

88. On RFP p. 23, one of the paragraphs is incomplete: Treatment of Proposals "All proposals submitted will become public records and available for inspection after the Energy Commission completes the evaluation and/or scoring process and the Notice of Proposed Awards is posted or the RFP is cancelled. Bidders who want any work" Can you restate or provide the missing information?

This has been addressed in Addendum #2.

89. Attachment 1 (Contractor Status Form) includes a checkbox for "Confidential Volume #3" under Section 5 (Proposal Contents). No such Volume is listed elsewhere in the RFP. Also, this contradicts the assertion on RFP p. 23 that "[t]he Energy Commission will not accept or retain any proposals that are marked confidential in their entirety or seek to have any part of the proposal treated as confidential." Please advise.

This has been removed in Addendum #2.

90. Due to the importance and complexity of RFP 150-09-101, we would like the CEC to grant a two-week extension to the current final submission date of January 5, 2010.

The Energy Commission will modify the due date for this RFP to January 12, 2010 through an addendum.

91. Do you want both volumes combined, or is this a sealed bid?

This is a high score solicitation, not a low bid solicitation. Cost is a factor in the scoring criteria, so your cost bid should not be sealed separately. Volumes 1 and 2 can be submitted together or separately as long as the volumes are marked and easily identifiable.

92. Will contractors need to fill out the state travel expense form to get reimbursed for travel expenses?

This is not a current requirement. Should this become a requirement, it will be identified in the Terms and Conditions.

93. Will all of the awards be considered subrecipients? If not, how many subrecipients and vendors, respectively are expected by program?

Most of the ARRA funding awards will be to subrecipients, but there could be some awards to vendors. At this time we do not have know the universe of funding awards under these four federal grant awards. As a reference point, there are 309 identified small cities and counties that are eligible for an award under the Energy Efficiency and Conservation Block Grant.

Other ARRA Solicitations

94. Can my firm bid on the ARRA Program Support Services Audit solicitation and the Monitoring, Verification and Evaluation Reporting solicitation?

A firm can bid on both solicitations but cannot be awarded both contracts.

95. Are the other RFPs (bolded in the background description pasted below) being issued this year or should we expect to see them in January? Any information you could provide regarding the expected timing would be greatly appreciated. (1) to assist in project management and provide energy technical assistance and (2) to perform independent energy metric measurement and verification for the Energy Commission's ARRA funded projects.

RFQ 600-09-601, California Energy Commission ARRA: Measurement, Verification, Evaluation, and Reporting was posted December 7, 2009. The Energy Commission is still considering whether to pursue additional external support for energy technical and project assistance.

96. I will also be pursuing work under the Monitoring, Verification, Evaluating and Reporting RFQ as a sub. Can this RFQ process also include a way for small businesses to identify possible primes and express their interest in being a small business sub?

This RFP process is separate from the Monitoring, Verification, Evaluation and Reporting RFQ process. It will be important to attend the pre-bid conference for that solicitation and address your question to that process.

Information Technology

97. Page 1 of 30 – In the last sentence under “Purpose of RFP” – The RFP states “ the Energy Commission is developing and implementing a reporting and tracking system that meets state and federal requirements. On the call, it was said that that some systems have been developed but others are probably needed. Question: What system(s) have already been developed and are being used? Are you currently implementing a technology solution for ARRA reporting? If not, is reporting technology within the scope of this RFP?

The Energy Commission is completing work on a reporting system that will comply with all federal and state reporting requirements. Additionally, existing budget, contract and grant and loan tracking systems will be used to track ARRA funded awards. The reporting system is not within the scope of the RFP. The Energy Commission is finalizing the development of a data collection/reporting system that will collect data to comply with OMB, DOE and Energy Commission requirements. The system uses Excel spreadsheets compiled by ARRA funding recipients and uploads the information in to a Microsoft Access database maintained by the Energy Commission.

98. Does the Commission currently use a system to gather information from recipients?

The Energy Commission is finalizing the development of a data collection/reporting system that will collect data to comply with OMB, DOE and Energy Commission requirements. The system uses Excel spreadsheets compiled by ARRA funding recipients and uploads the information in to a Microsoft Access database maintained by the Energy Commission.

99. Does the Energy Commission expect to record and track any selected data elements about ARRA-funded contracts in its existing program information management system (PIMS)?

ARRA funds shall be tracked and monitored by a variety of databases and systems at the Energy Commission.

100. The solicitation mentions leveraging existing technology platforms including current contract and project management systems. Is there documentation available that describes those existing systems?

We have a number of internal systems. Please see the attached Exhibits 4-2, 4-3, 4-4 and 4-5.

101. If the policy and procedures review exposes unacceptable risks based on existing systems, and if this proposal does not directly resource for IT systems development or enhancement, will there be existing or other resources available outside of this proposal to address IT systems work required to mitigate the unacceptable risks identified?

Depending on the level of risk, the Energy Commission may identify other funds to address any unacceptable risks in existing systems and we would pursue those actions following the appropriate acquisition process.

- 102. If it is determined that certain essential fraud or waste protections are unattainable without implementing a specific IT solution, should this proposal only cover the recommendation of the implementation of such a system, or should it include the delivery of such a system as well?**

As referenced above, only a recommended IT solution would be considered in this contract – not the delivery of an IT solution.

- 103. If consolidated reporting of audit findings including dollars awarded and commensurate grant and project accomplishments (i.e. created jobs, energy savings achieved, etc.) requires the recommendation of a software solution for project contract and grant funding and accomplishment data reporting and tracking, would the CEC expect the delivery of such a system to be included in this proposal? If delivery of such a system is not expected, how would inclusion of such a system in a bid proposal likely affect the rating of the proposal?**

See response above.

- 104. Page 2, top of page: Most of the language in this section emphasizes processes and procedures. Is it correct to assume, as the Energy Commission mentioned in the pre-bid conference, that implementing information technology improvements under this contract is not the focus of this project?**

That is correct.

Energy Commission Information

- 105. Can you estimate the CEC resources that will be available for this project, i.e. people, hours**

This is unknown at this time. Energy Commission staff will be overseeing and monitoring ARRA funded project progress. Since the bulk of ARRA funds have yet to be awarded, it is difficult to provide estimates of staff and resources allocated to this effort.

- 106. Did the State of California contract with a third party to prepare this RFP? If yes, what is the name of the firm that assisted? If no, did the State of California use a similar RFP format from a different state as the basis for this RFP? If yes, which state?**

This RFP was developed by Energy Commission staff. Staff did review other states' ARRA solicitation materials for suggested approaches to best avoiding fraud, waste and abuse.

- 107. Generally, will the contractor be assisted by Energy Commission staff in its implementation of selected recommendations developed during Task 1?**

We expect that Energy Commission staff will provide assistance and programmatic information to the contractor during the implementation of Task 1 recommendations.

- 108. Does the CEC have an internal auditor?**

Yes, the Energy Commission has an internal auditor. This individual will manage the contract and work closely with the contractor to oversee work efforts and deliverables.

109. Does the Commission currently have an adopted fraud awareness and prevention program? If so, will it be made available to the prospective bidders?

No it does not. Task I under this agreement is designed to have the selected contractor identify opportunities and assist the Energy Commission in assessing and developing processes, procedures, technical and non technical options for fraud, waste and abuse prevention and detection.

110. Are current internal controls of the contracts, grants and loans processes formally documented? Are other control systems other than contracts, grants and loans considered as part of this solicitation?

The Energy Commission has policy manuals for Contracts and Grants & Loans that identify policies and procedures for processing and approvals. As part of the organizational assessment in task 1, additional controls may be identified and recommended that go beyond the current contract, grant and loan agreements used to award ARRA funds. However, the primary focus will be on preventing and detecting fraud, waste and abuse of ARRA funds.

111. Is a current organization chart of the Commission available for review at this time?

A current organization chart is available at:
<http://www.energy.ca.gov/commission/orgchart.html>

112. Who will be the Energy Commission's project director on this consulting project?

Mark Hutchison is the project director.

113. Does the Energy Commission expect to administer ARRA funding with existing staff? If not, has the Energy Commission prepared a budget change proposal (BCP) to request additional staff? If yes, can the Energy Commission provide a copy of the BCP?

The Energy Commission has obtained a modest level of additional resources to implement portions of the ARRA in the state's 2009-2010 budget. Two BCPs have been attached for reference.